

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RICHARD LISTENBEE,)	
)	
Plaintiff,)	
)	No.: 11-C-3031
vs.)	
)	Hon. Judge William J. Hibbler
CITY OF HARVEY ILLINOIS, CITY OF)	
HARVEY POLICE DEPARTMENT CHIEF OF)	
POLICE DENARD EVES, OFFICER DEAUDRAY)	Magistrate Judge Arlander Keys
KELLEY,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR ENTRY OF
QUALIFIED HIPAA AND PROTECTIVE ORDER**

Defendants, Officer Steven Kelley, inaccurately named as Deaudray Kelley, ("Kelley"), Denard Eaves and The City of Harvey, Illinois ("City"), by their attorneys, Johner T. Wilson III, Julie P. Sieracki and Daley Mohan Groble, P.C., move the Court pursuant to Federal Rules of Civil Procedure 26(c) for a qualified Health Insurance Portability and Accountability Act ("HIPAA") and protective order, and in support thereof state as follows:

1. Plaintiff, Richard Listenbee, has filed this action against the City of Harvey and certain Harvey police officers alleging a violation of his civil rights under 42 U.S.C. § 1983.

2. This case arises from an arrest of plaintiff, Richard Listenbee, on September 16, 2010 and alleged injuries incurred in conjunction therewith. Defendants are unable to explore the aforementioned medical information without prior authorization of Plaintiff or order of Court.

3. Defendants seek entry of the qualified HIPAA and protective order to preserve the confidentiality of the discoverable information exchanged by the parties in this action. No party,

including Plaintiff, will be prejudiced by the entry thereof. However, Defendants and other person(s) who are not party to this action will be prejudiced without the entry of an appropriate order protecting the confidentiality of certain arguably discoverable information.

WHEREFORE, Defendants respectfully request that this Honorable Court enter the attached qualified HIPAA and protective order limiting the disclosure of confidential information as indicated.

Dated: December 16, 2011

Respectfully submitted,

Defendants Steven Kelley
and The City of Harvey, Illinois

By: /s/ Johner T. Wilson III
Johner T. Wilson III
Julie P. Sieracki
Daley Mohan Groble, P.C.
55 West Monroe, Suite 1600
Chicago, Illinois 60603
Telephone: 312.422.9999
Attorney No. 6278797

CERTIFICATE OF SERVICE

I, Johner T. Wilson, an attorney, hereby state that before 11:59 p.m. on December 16, 2011, I served a copy of the foregoing **DEFENDANTS' MOTION FOR HIPAA AND PROTECTIVE ORDER** upon the following plaintiff by U.S. Postal Mail and by utilizing this Court's CM/ECF filing system:

Richard Listenbee
B-43986
Hill – HIL
P.O. Box 1700
Galesburg, IL 61401

/s/ Johner T. Wilson III
Johner T. Wilson
Julie P. Sieracki
Daley Mohan Groble, P.C.
55 West Monroe, Suite 1600
Chicago, Illinois 60603
Telephone: (312) 422-9999
Attorney No. 6278797